



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/686,506
Filing Date: October 15, 2003
Applicant: Michael A. Milligan et al.
Group Art Unit: 1744
Examiner: Terrence R. Till
Title: IMPROVED HAND-HELD CORDLESS VACUUM
CLEANER
Attorney Docket: 0275U-000799

Director of The United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

Michael A. Milligan, Patrick W. Mooney, Xianyao Shen, Ted A. Kimball
and Andrew Walker hereby declare under penalty of perjury as follows:

- 1) We are the inventors who, on October 15, 2003, filed the above-identified application.
- 2) Prior to September 30, 2003, the invention as described and claimed in the subject application was conceived in the United States, a NAFTA country or a WTO country as evidenced by the following:
 - a. The subject matter claimed in the above-identified patent application having been earlier conceived and prior to September 30, 2003, Sean Wilkinson, a

co-worker and employee for Black & Decker Inc., forwarded to our patent attorney, Michael Zalobsky, two-dimensional drawings illustrating the subject matter that is claimed in the present application on September 15, 2003 at the request of Michael Milligan. Copies of these drawings are attached at Tab A.

- 4) From a time prior to September 17, 2003 to the filing of the present application on October 15, 2003, we were diligent in constructively reducing the invention to practice as evidenced by the following which occurred in the United States, a NAFTA country or a WTO country as evidenced by the following:
 - a. We received an initial draft of the present application from Michael Zalobsky on September 22, 2003 by e-mail. A copy of this correspondence is attached at Tab B.
 - d. We provided comments to Michael Zalobsky on September 30, 2003 by e-mail. A copy of this correspondence is attached at Tab C.
 - e. At our direction, Sean Wilkinson worked with Michael Zalobsky from October 1, 2003 through October 8, 2003 to provide two-dimensional drawings for the charging base that is disclosed in the present application. Copies of this correspondence is attached at Tab D.
 - f. We received a revised draft of the present application from Michael Zalobsky on October 14, 2003.
 - g. We provided comments to Michael Zalobsky on October 15, 2003 and the present application was filed that day.
- 5) We have never abandoned our application.
- 6) We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be

true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 the United States Code, and that such willful false statement may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Date: April 3, 2006

Michael A. Milligan
Michael A. Milligan

Date: Apr. 3/06

Patrick W. Mooney
Patrick W. Mooney

Date: _____

Xianyao Shen
Xianyao Shen

Date: April 6/06

Ted A. Kimball
Ted A. Kimball

Date: _____

Andrew Walker
Andrew Walker

true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 the United States Code, and that such willful false statement may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

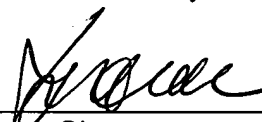
Date: _____

Michael A. Milligan

Date: _____

Patrick W. Mooney

Date: 05/19/2006



Xianyao Shen

Date: _____

Ted A. Kimball

Date: _____

Andrew Walker

true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 the United States Code, and that such willful false statement may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Date: _____

Michael A. Milligan

Date: _____

Patrick W. Mooney

Date: _____

Xianyao Shen

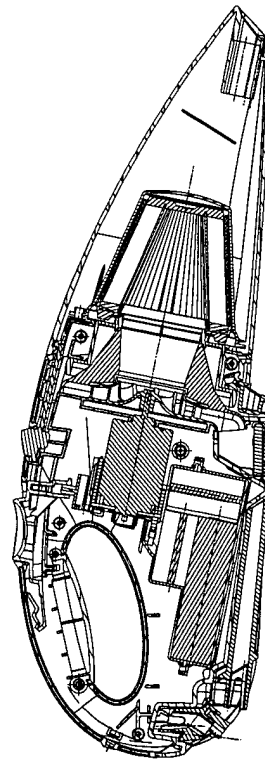
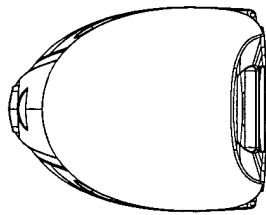
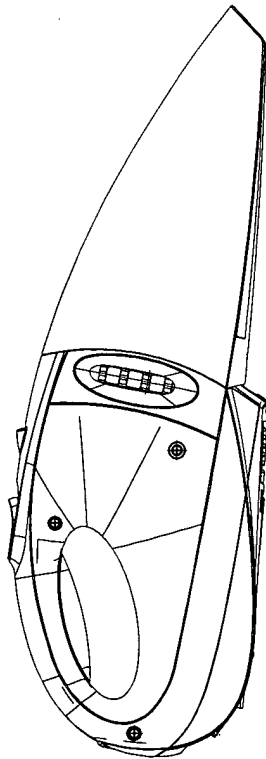
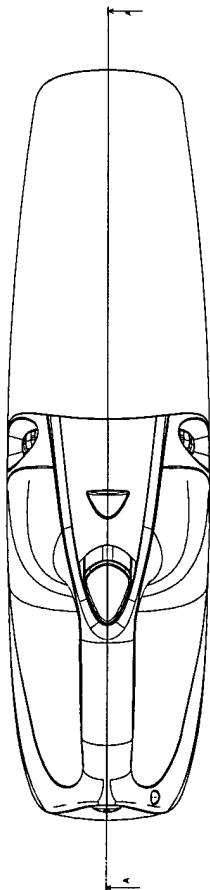
Date: _____

Ted A. Kimball

Date: 4th April 2006

Andrew Walker
Andrew Walker

NOTES:



BLACK & BECKER INC.	
DOC NO: XXXX-XXXX	REV: X
TITLE: XXXXXX	EC: ECK
1 of 1	DEV

Zalobsky, Mike

From: Zalobsky, Mike
Sent: Monday, September 22, 2003 5:17 PM
To: 'Milligan, Michael'; Wilkinson, Sean; Prosper, Jake
Cc: 'Ratcliffe,Paul'
Subject: Initial Draft of Detailed Description and Drawings for NG DustBuster
Attachments: Detailed Description Draft.doc; drawings.pdf

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Gentlemen -

I've attached an initial draft of the Detailed Description and drawings for the above-referenced patent application. Feel free to fax or e-mail your comments/suggestions/corrections and/or to give me a call to discuss.

<<Detailed Description Draft.doc>> <<drawings.pdf>>

Michael D. Zalobsky
Harness, Dickey and Pierce, P.L.C.
5445 Corporate Drive
Troy, MI 48098
(248) 641-1600
(248) 641-1265 (direct)
(248) 641-0270 (fax)
mdzalobsky@hdp.com

Zalobsky, Mike

From: Milligan, Michael [Michael.Milligan@bdk.com]
Sent: Tuesday, September 30, 2003 12:03 PM
To: Zalobsky, Mike; Ratcliffe, Paul
Cc: Prosper, Jake
Subject: RE: DustBuster Application
Attachments: draft_comments_30Sept03.doc

Mike,

I have finally taken a detailed look at the application info you sent. I used the text you sent on Sept 24, and the illustrations I was sent on Sept 29.

I don't think there are any major problems. I don't know if you would need to make all of the corrections for this first application, or if they can be ammended in later revisions.

One thing that is missing is illustrations of the charging base, and a description of the voltage interlocks. Again, I don't know if that could be added later, or in a different application.

If you need to discuss any of this, I should be available this afternoon, or later this week. You can phone me at (613) 498-9496, or contact Sarah Vaughan at (613) 498-9415 to locate me.

regards,
Mike

-----Original Message-----

From: Zalobsky, Mike [mailto:mdzalobsky@HDP.com]
Sent: Friday, September 26, 2003 6:04 PM
To: Milligan, Michael
Cc: Prosper, Jake
Subject: DustBuster Application

***** ATTENTION *****
*

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Mike -

Zalobsky, Mike

From: Zalobsky, Mike
Sent: Thursday, October 02, 2003 1:06 PM
To: Wilkinson, Sean; 'Milligan, Michael'
Subject: NG D/B Applications

***** ATTENTION *****

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*

Mike & Sean -

I've reviewed the materials that Sean sent over last night regarding the charger base and its "keying" to the vacuum to inhibit someone from charging the vacuum on a charger base having a voltage that is different from what is intended for the vacuum.

Given the interchangeability of the tooling (for the ribs and slots), I'm wondering if you guys have developed a family of DustBusters. If so, I'll need to know that, as well as whether or not any of the other family members has something different about its appearance. Any differences between the appearance of the family members would likely require additional design patent applications.

I contacted Paul this morning to request a change in the schedule - I'll let you know when I hear more.

Michael D. Zalobsky
Harness, Dickey and Pierce, P.L.C.
5445 Corporate Drive
Troy, MI 48098
(248) 641-1600
(248) 641-1265 (direct)
(248) 641-0270 (fax)
mdzalobsky@hdp.com

Zalobsky, Mike

From: Wilkinson, Sean [Sean.Wilkinson@bdk.com]
Sent: Wednesday, October 08, 2003 4:26 PM
To: Wilkinson, Sean; Hood, Carrie; Milligan, Michael; Prosper, Jake; Ratcliffe,Paul; Zalobsky, Mike
Subject: Next Gen Dustbuster
Attachments: DBoct8visit.zip

All

Find attached a zip file containing Dustbuster drawings that were discussed with Paul Ratcliffe during his visit to Brockville. If anymore material is required do no hesitate to inquire.

Thank-You
Sean Wilkinson